

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Facilitating the Deployment of Text-to-911 |) | PS Docket No. 11-153 |
| and Other Next Generation 911 Applications |) | |
| |) | |
| Framework for Next Generation 911 |) | PS Docket No. 10-255 |
| Deployment |) | |
| |) | |
| |) | |

COMMENTS OF ONSTAR, LLC

I. INTRODUCTION

OnStar, LLC (“OnStar”), by and through its attorneys, submits these comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) issued by the Federal Communications Commission (“FCC” or “Commission”) in the above-captioned proceeding.¹ OnStar is a long-standing supporter of robust and effective 911 services and applauds the Commission’s efforts to encourage the use of next-generation technology to improve public safety.

In the FNPRM, the Commission seeks comment on, among other things, whether Commercial Mobile Radio Service (“CMRS”) and interconnected text messaging application providers should be required to make text-to-911 available to their customers by May 15, 2014. It also proposes a requirement that by June 30, 2013, CMRS and interconnected text messaging application providers implement automatic bounce back messages across their networks when a

¹ *Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment*, Further Notice of Proposed Rulemaking, 26 FCC Rcd 13615 (2012) (“FNPRM”).

text message is sent to a Public Safety Answering Point (“PSAP”) that is unable to receive the text message. These two proposed requirements shall be collectively referred to herein as the “Proposed Text-to-911 Requirements.” As discussed below, it appears implicit within the Proposed Text-to-911 Requirements that such requirements would only apply to entities that *already offer interconnected text messaging services*. OnStar does not provide such solutions. OnStar, therefore, asks the Commission to clarify in its final rules that CMRS providers that do not offer interconnected text messaging services (such as OnStar with its pre-paid hands-free wireless calling (“HFC”) services) are not subject to the requirements. This requested clarification would ease concerns by OnStar and other similarly situated providers that final rules in this proceeding could be interpreted as requiring the introduction of brand-new interconnected text messaging services in order to comply with the Commission’s new rules.

II. BACKGROUND

OnStar, a wholly owned subsidiary of General Motors Company (“GM”), is the world’s largest telematics provider, serving about 6 million subscribers in the U.S., Canada, and, through its affiliate, China. OnStar’s connectivity services are available with GM’s U.S. 2013 model year vehicles, as well as for installation in many other vehicles through the OnStar “For My Vehicle” product.² OnStar’s services fall into two general categories: (1) core non-telecommunications safety and security services, which include automatic crash response, stolen vehicle assistance, remote door unlock, remote vehicle diagnostics, and turn-by-turn navigation, among other services; and (2) optional prepaid HFC that is accomplished through the use of voice recognition software.

² The “For My Vehicle” product allows drivers to use most of OnStar’s services by replacing their rearview mirror with an OnStar mirror.

OnStar's optional prepaid HFC service is regulated as CMRS.³ OnStar's HFC service allows active OnStar subscribers an easy and reliable way to make voice-operated phone calls from their vehicles while keeping both hands on the steering wheel. Active subscribers push a small button located on or near their rear view mirror to begin a simple voice command and place a wireless phone call. OnStar's HFC service provides a safe alternative to using a handset while driving and also offers a reliable back-up in the event that the subscriber's personal mobile phone is unavailable, running low on power, or out of service. Moreover, the HFC service does provide direct dial capability to 911, which is accomplished by the driver verbalizing a 911 dial command. There is, however, no text messaging offered with OnStar HFC service.⁴

OnStar has made accessibility to the disabled a priority in connection with its services and makes a compatible TTY solution available for hearing-impaired subscribers. The TTY solution provides subscribers with access to the appropriate PSAP from within their vehicle via a TTY unit. OnStar has also implemented a TTY solution for its "For My Vehicle" product. OnStar's TTY solution also allows hearing-impaired subscribers to communicate with specially trained OnStar TTY advisors in order for those subscribers to utilize other OnStar services not related to HFC.

OnStar's HFC services are ancillary to its core services, which are primarily focused upon driver safety and security. OnStar, throughout its history, has provided unparalleled access to PSAPs and the first responder community. Indeed, over the past 16 years, OnStar has

³ While OnStar has been regulated as a CMRS provider to the extent it provides its HFC services, its core telematics services described above are not subject to those regulations. As the FCC has recognized, these services are separate and distinct. *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order 18 FCC Rcd 21531 ¶¶ 17-18 (2003).

⁴ While OnStar is constantly looking to upgrade its technology to meet consumer demand, it has been equally focused upon ensuring that any new services are offered in a manner that effectively addresses distracted driving issues.

provided vital safety-related assistance in more than 191,000 crash incidents.⁵ OnStar also has facilitated the delivery of emergency services to over 1 million customers and provided over 2.9 million roadside assistance responses.⁶ All of this has been accomplished through OnStar's leading-edge connectivity between the vehicle, OnStar's call center (available 24 hours a day, 365 days a year) and every PSAP operating within the United States.⁷

OnStar's automatic crash response service, for instance, is triggered immediately after a vehicle collision, and onboard technology transmits crash data to OnStar, including direction, number of impacts, rollover status, and the maximum velocity of the vehicle at the time of collision. Upon receipt of this information, a specially trained emergency advisor provides the vehicle occupants with real time assistance. If a vehicle occupant requests help or cannot respond, OnStar directs emergency responders to the vehicle using the vehicle's precise GPS location, which is more accurate than the location coordinates available to many non-telematics based CMRS providers.

Also in the event of an emergency, an OnStar subscriber can contact OnStar's trained advisors by pressing the red OnStar button typically located in the rearview mirror. The OnStar advisor then contacts the PSAP for help. In this instance, the advisors are prepared to remain in contact with the customer until emergency responders arrive. Additionally, OnStar subscribers can use this service to report roadside emergencies in which they are not directly involved. In the event of a disaster, OnStar subscribers can also access turn-by-turn navigation and HFC

⁵ See *OnStar Press Release dated April 18, 2012*; News at: http://media.gm.com/media/us/en/onstar/news.detail.html/content/Pages/news/us/en/2012/Apr/0418_onstar.html

⁶ *Id.*

⁷ FNPRM ¶ 134 indicates that telematics providers use "cell-site location to determine the caller's location." This is factually inaccurate with respect to OnStar's telematics services. OnStar uses GPS location – not cell-site location to determine its subscribers' location.

services, at no extra charge. Such options can provide critical assistance during times of severe weather as well as natural and man-made disasters, by providing evacuation routes, locating a nearby hotel, and connecting the subscriber with loved ones.

III. THE FCC SHOULD CLARIFY THAT THE PROPOSED TEXT-TO-911 REQUIREMENTS DO NOT APPLY TO CMRS PROVIDERS THAT DO NOT OFFER INTERCONNECTED TEXT MESSAGING

OnStar asks the Commission to make clear in any final rules that the Proposed Text-to-911 Requirements only apply to CMRS providers that offer interconnected text messaging. This notion is already implicit throughout the FNPRM. *See e.g.*, FNPRM ¶ 22 (“The State of California similarly maintains that the ‘Commission [should] require any service provider that provides texting capability to its customers to provide an immediate automatic response....” (*emphasis added*)); FNPRM ¶ 32 (“We clarify that with respect to both CMRS providers and interconnected text providers, our proposed requirement for automatic notification to consumers would only apply to situations where the provider (or the provider’s text-to-911 vendor) has direct control over the transmission of the text message...” (*emphasis added*)); FNPRM ¶ 47, (“[W]e believe that the public interest is served by requiring CMRS providers and third-party interconnected text providers to supply text-to-911 capabilities to their customers on all text-capable devices.” (*emphasis added*)).

The idea that the Proposed Text-to-911 Requirements only apply to those providers that offer text messaging services is also implied within the proposed rule itself. *See* Appendix B, Proposed Amended Section 20.18(n): “. . . (1) The requirements of this paragraph only apply when the CMRS provider (or the CMRS provider’s text-to-911 vendor) has direct control over the transmission of the text message..... (*emphasis added*);” “(2) No later than May 15, 2014, CMRS providers shall offer their subscribers the capability to send 911 text messages to the

appropriate PSAP from any text-capable wireless handset (emphasis added);” “(6)(b) No later than May 15, 2014, all third party interconnected text providers that provide the capability for consumers to send and receive text messages from text-capable mobile telephone numbers must offer the capability described in paragraph (n)(2).... (emphasis added).”

Thus, it appears from the FNPRM that the Proposed Text-to-911 Requirements are only meant to apply to those CMRS providers that offer interconnected text messaging solutions. OnStar nonetheless asks that this be clarified and stated specifically in any final rules promulgated by the Commission. For providers such as OnStar, there is no consumer expectation that text messaging services or text-to-911 capability will be present because interconnected text messaging has never been available to subscribers. As described above, OnStar’s HFC services function very differently from traditional CMRS. OnStar’s HFC can be operated through a single button push and is operated through verbal commands thereafter. Phone numbers are not manually dialed, and the OnStar subscriber has no ability to manually send a text message. As discussed above, OnStar also provides single button press access to emergency services (including rapid connectivity to PSAPs). These service features have important safety implications given that manually texting while driving is a well-recognized distracted driving offense in many states. Given these unique considerations, there could be no reasonable expectation by consumers that the OnStar system would have text-to-911 capability.

Further, without appropriate clarification, final rules in this proceeding could lead to an interpretation *requiring* certain providers like OnStar to offer interconnected text messaging services that they otherwise would not choose to offer based upon market conditions or various other factors. Such an interpretation would be at odds with the FNPRM’s multiple references that the proposed requirements can be implemented at a reasonable cost. *See, e.g.*, FNPRM ¶ 27

(“a proactive approach for requiring bounce back messages appears to be feasible at a reasonable cost...”); FNPRM ¶ 43 (“Thus, text-to-911 could be made available to virtually all wireless consumers in the near term ... at a reasonable cost to wireless carriers.”). Of course, if certain providers were forced to offer and support a new business line for text messaging, it would create an unfair and costly regulatory burden for those providers. This certainly could not be considered a “reasonable cost” to those providers. OnStar does not believe the Commission intends such an inequitable and burdensome result, and, therefore, asks that this issue be specifically clarified.

IV. CONCLUSION

OnStar respectfully requests that the Commission make clear in any final rules that the Proposed Text-to-911 Requirements only apply to providers that currently offer interconnected text messaging services. Such clarification would remove uncertainty for CMRS providers that do not offer interconnected text messaging services.

Respectfully submitted,

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